

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of the subject application.

Claims 1-15 were originally presented.

Claims 2, 3 and 12-15 are canceled without prejudice.

Claim 16-25 have been added.

Claims 1, 9 and 11 are currently amended.

Claims 1, 4-11, and 16-25 remain in this application.

35 USC § 112

Claims 1, 3-11 are rejected under 35 USC 112, as failing to comply with the written description requirement. In particular, independent claims 1 and 11 recited “determining whether additional sector reads are necessary”. The Examiner indicated that he “cannot find any disclosure with respect to what criteria/status/condition requires the necessity of such a determination, i.e., under what conditions.”

Independent claims 1 and 11 have been amended to include “determining whether additional sector reads of the audio content are necessary, based on a particular read size of the optical drive”. In other words, the condition of determining is based on the read size of the optical drive. This finds support in the specification beginning on page 19 (last partial paragraph that begins with “In block 506 …”) to page 20 (first paragraph). As discussed in the specification, determining is based on a optimal or particular read size for the optical drive.

1 Because of the dependent claims include the elements of base claims, they
2 benefit from the amendments to the base claims. Applicant respectfully requests
3 that the rejection be removed.

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5 Claim 1 is further amended to include element of “reading of the sector is
6 based on amplitude information of the sector” which is not taught in the cited
7 references.

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9 Dependent claim 25 also includes the element of “reading of the sector is
10 based on amplitude information of the sector”.

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1 **CONCLUSION**

2 All pending claims 1, 4-11, and 16-25 are in condition for allowance.
3 Applicant respectfully requests reconsideration and prompt issuance of the subject
4 application. If any issues remain that prevent issuance of this application, the
5 Examiner is urged to contact the undersigned attorney before issuing a subsequent
6 Action.

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8 Respectfully Submitted,

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10 Dated: October 30, 2007

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